



Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
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Submitted via [online portal](#)

CC: Tony Chappel, CEO NSW EPA

25 February 2026

Dear Ms Fishburn

Re: Establishing the Development Coordination Authority - Proposed changes to the Environmental Planning and Assessment Regulation 2021 and environmental planning instruments

Thank you for the opportunity to provide feedback to the Department of Planning, Housing and Infrastructure (DHPI) on establishing the Development Coordination Authority (DCA) and the proposed changes to the *Environmental Planning and Assessment Regulation 2021* and environmental planning instruments (“the proposed reforms”). The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia’s \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the industry, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Over a third of our membership is based in NSW, where our industry directly contributes more than \$4 billion per annum to the State’s economy and directly employs more than 8,500 workers.

From 1 July 2026, the DCA will become the main NSW Government’s “front door” for most State statutory inputs on local Development Applications (DAs) and provide integrated technical advice on State Significant Development (SSD), State Significant Infrastructure (SSI) and rezonings. The proposed reforms are aimed at replacing hundreds of dispersed concurrence/ consultation triggers for consent authorities with a single risk-based, consolidated framework where statutory input is only required when there is a ‘significant risk’ to a matter of State interest, including when the State holds specialist expertise not available to councils or where it holds unique responsibilities or non-public information. WMRR understands that the State Referral Provisions will set out matters that need to be considered by the DCA and other bodies when statutory input is needed and will be released in July 2026 when the DCA is established. The reforms also include an early referral check (within two (2) business days), simplified statutory input timeframes to a single 28-day clock once formally referred, and introduce a new fee structure.

WMRR notes that while no changes are proposed to integrated development approvals, the DCA will issue general terms of approval for most matters, with regulatory provisions reassigned to it. “Hazardous and

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offensive development” has been identified as requiring ongoing state involvement under the risk-based framework and will continue to be managed through statewide mechanisms, including the integrated development provisions of the *Environmental Planning and Assessment Act 1979* (“EP&A Act”) for works requiring Environmental Protection Licenses (EPL) under the *Protection of the Environment Operations Act 1997*. Councils will therefore need DCA general terms of approval before granting consent. However, the DCA’s role relative to EPA licensing (which involves specialised assessment) remains unclear. The practical impact for the WARR industry will depend on the final State Referral Provisions and how “significant risk” is interpreted, and how these agencies will interact in an effective and timely manner.

Whilst the proposed reforms are designed to speed up and improve outcomes for “housing, infrastructure and jobs” and remove fragmentation and delays, it is important to reiterate that WARR is essential infrastructure enabling housing delivery, industrial productivity and freight efficiency, net zero and methane reduction (through resource recovery, avoidance of landfill, organics diversion) and regional economic and environmental resilience. However, to date approvals remain slow and uncertain and there is little regard for this essential infrastructure in the changes proposed.

In WMRR’s view, it follows that the development of WARR infrastructure fits squarely into the narrative justifying the establishment of the DCA and associated reforms. The NSW Government has affirmed the position that WARR infrastructure deserves clear, predictable, fit-for-purpose pathways in the October 2025 release of the *Waste and Circular Infrastructure Plan* (“WaCIP”) which identifies WARR infrastructure as an essential service, similar to water and electricity, and identifies an urgent landfill capacity crisis in Greater Sydney: with a shortfall of 1.1 million tonnes per year by 2030 growing to 1.4 million tonnes per year for putrescible (red bin) waste and a shortfall of 2 million tonnes per year by 2031 growing to 2.4 Million tonnes per year by 2040 for non-putrescible (construction and demolition) waste. Without action, red-bin collections could be disrupted by 2030 and household costs could rise ~20% with an estimated \$23 billion economic impact. The WaCIP stresses that immediate action is required to avoid service disruption and establishes actions for government to implement strategic planning reforms including the streamlined process for new priority waste infrastructure and publishing of guidelines for WARR infrastructure. It is unclear from the consultation documents how these will be impacted by the DCA.

Whilst WMRR supports in principle the shift to a risk-based, centralised statutory input model to reduce duplication, improve timeliness and consistency, and better integrate infrastructure and environmental expertise, there are some concerns that reforms may unintentionally reduce certainty for essential WARR infrastructure, particularly through increased fees, and potentially allowing an inconsistent interpretation of “significant risk” - particularly for odour/ noise/ traffic and licensing-linked WARR facilities. Given the urgency of Sydney’s landfill crisis, it is also essential that the proposed reforms do not continue to cause delays or confusion against existing measures to manage the state’s essential WARR infrastructure needs via the WaCIP and EPA licencing.

WMRR had previously undertaken specific research on the actual time taken to gain approval for waste and resource recovery facilities in NSW, and found that across all planning applications at that time (32 over three (3) years), the average time taken from submission of an application to determination was 625 days (or 20.5 months) and for State Significant Development (that a large number of applications will be given the 100,000

tpa threshold) the average time taken was 684 days which was on average twice as long as any other heavy industry. We also found that these time frames (preparation and approval) are often twice as long in NSW than any other Australian state. Whilst we have not comprehensively updated this study, WMRR and industry have witnessed no evidence in recent approvals to suggest that these timeframes have improved. Therefore, to ensure the reforms deliver real benefits for essential WARR infrastructure, WMRR recommends:

- public reporting of DCA performance against the two (2)-business-day triage and 28-day statutory input timeframes, and process rules that reduce clock-stopping behaviour, supported by templates/checklists for WARR infrastructure;
- explicit guidance in the State Referral Provisions on WARR-specific risks (odour, traffic, stockpile fire risk, licensing interfaces) to avoid inconsistent interpretation of “significant risk”;
- fee transparency and safeguards so higher statutory input fees do not deter essential capacity—particularly for regional facilities and public-benefit projects, and
- protecting integrated development integrity for EPL-linked proposals and maintaining the commitments made by the *NSW Waste and Circular Infrastructure Plan (WaCIP)*, including clarification of the respective roles and responsibilities of DCA and EPA.

i. Public reporting of DCA performance against timeframes and process rules and guidance to reduce “clock-stopping”

A major regulatory change introduces the mandatory identification of required referrals at lodgement. DCA verification within two (2) business days is a positive, which should mean fewer incorrect referrals and reduced delay due to ‘back and forth’ as a result of missing environmental documentation. The most common WARR infrastructure delay pattern is “referral ping-pong” between applicants and government bodies for reasons such as inadequate details, missing documents, or other unclear triggers. WMRR appreciates that a consistent triage step and a single clock will improve predictability if done well. It also helps increase the responsibility on applicants at the outset to correctly identify environmental triggers. However, there is a real risk that centralisation can also create a single point of failure. WMRR would encourage DCA to publish its performance against its service standards against the two (2)-day and 28-day timeframes including:

- % of referrals triaged within two (2) business days
- % statutory inputs delivered within 28 days
- Reasons for clock-stops and average “pause duration”
- Queue length and resourcing indicators (at least quarterly)

Furthermore, given the timelines of NSW’s landfill crisis as articulated by the WaCIP, WMRR would appreciate assurance that there will be “no worse” outcomes under the DCA for planning pathways critical to WARR timing. WMRR notes that the 28-day clock pauses when additional information is requested. However, if the system pauses frequently for “additional information,” timeframes are misleading. WMRR would like to see prescribed rules for what constitutes a valid “additional information” request and would welcome a requirement for requests for more information to be consolidated (to avoid multiple ‘stop the clock’ actions, and guidance

including pre-lodgement checklists/templates for common WARR facility types. (WMRR notes that guidance for the development of WARR facilities was identified as an action under the WaCIP, and WMRR queries how this plan will be integrated into the functioning of the DCA).

ii. Clear guidance for WARR-specific “significant risk” triggers

Whilst WMRR appreciates that the centralisation of inputs should expediate application processes, there is a real risk that possible WARR facility impacts (odour, noise, litter, vermin, fire risk from stockpiles, heavy vehicle traffic) can be interpreted inconsistently. WARR facilities often require integrated development approval with concurrencies relating to pollution, water, land use, or biodiversity. Under the new system, DCA will issue consolidated statutory responses. The simplified referral framework may reduce unnecessary referrals, resulting in faster processing if a facility is deemed ‘low-risk’, however, it is assumed many WARR facilities will be deemed high-risk operations (e.g., landfill, hazardous waste) and remain subject to statutory input and there will be greater emphasis on risk-based thresholds for State involvement. How “significant risk” thresholds are defined, is important to ensure appropriate oversight for cumulative impacts and technical knowledge, reducing the risk of increased centralised discretion within DCA.

In WMRR’s view, the forthcoming State Referral Provisions guidance document will be critical in determining the real environmental impact of these reforms, and should explicitly address WARR scenarios, including:

- Odour/offensive development risk thresholds
- Traffic thresholds for heavy vehicle movements
- Stockpile fire risk pathways, where relevant
- Interface with buffers/sensitive receivers
- How DCA input interacts with EPA/EPL-type considerations under integrated development pathways.

iii. Fee transparency to value and avoid discouraging essential infrastructure development

Whilst WMRR appreciates the cost certainty proposed by the reforms to the fee structures under the EP&A Regulation, given that hazardous and polluting development will continue to require an integrated development approval, the fee increases from \$426 to \$1,100 for each concurrence or integrated development approval, and a fixed fee for \$1,100 for each statutory referral may significantly affect smaller or regional WARR proponents and councils.

WMRR notes that new fee structure also includes a new fee of \$550 per statutory input for complex modification applications, which will substantially increase costs for complex environmental modifications. This is considerable deterrent for developing urgently needed – albeit environmentally complex – WARR infrastructure.

WMRR would like to see measures in place to avoid multiple fees for the same underlying risk (e.g., overlapping statutory inputs for management of vehicle access to a facility and associated noise, odour, traffic management etc). WMRR would also note that if fees are to be included they must place an enforceable service standard including time frame on DCA. WMRR would also welcome a confirmation that will be no unexpected fees for

low-impact modifications, which is implied from the document. As per previous comments, the definition of “low risk” under the State Referral Provisions is crucial to understand, and WMRR encourages DPHI to consider the history and proven performance of WARR infrastructure when establishing the risk-based framework.

- iv. *Protect integrated development integrity for EPL-linked proposals and maintain the commitments made by the NSW Waste and Circular Infrastructure Plan*

Many WARR projects rely on the integrated development pathway where pollution risks are highest; the industry needs clarity on “who decides what”, particularly when it comes to the role of the EPA and DCA, given at present there is real tension between the Planning Department and EPA causing significant challenges for progression of facilities in NSW. WARR DAs are routinely referred multiple times despite being standard forms of industrial development as these facilities will often trigger (or are adjacent to) pollution/ EPL pathways, heavy vehicle access to classified roads, buffers/sensitive receivers, water/catchment constraints, and (sometimes) bushfire and heritage—meaning that WARR projects often face fragmented inputs from state government agencies. In theory, DCA’s “single consolidated response” model with triage and within regulated timeframes should reduce conflicting advice, costs and additional workflows.

However, given that hazardous and offensive development and pollution risk management continues through integrated development for works requiring EPL, and will require statutory inputs against a risk-framework that is yet to be drafted, it is still unclear to WMRR what the DCA’s role will be in issuing general terms of approval versus EPA licensing processes (which require specialised assessment for licence variations). WMRR assumes that environmental approvals (e.g., under pollution or resource management legislation) will still apply, however, administrative handling will shift to DCA. This consolidation may reduce duplication but also centralises discretion.

There is also a need to make clear how DCA reforms will exist in concert with the WaCIP, which identified that the fragmented governance for planning in NSW acts as a barrier to WARR infrastructure investment. The WaCIP proposes a streamlined process for new priority waste infrastructure inclusive of 80-day maximum assessment periods, Secretary’s Environmental Assessment Requirements (SEARS) within 18 days, and a whole of government liaison group. It also states that Property & Development NSW (PDNSW) and EPA will be established as lead agencies for strategic waste infrastructure planning from early 2026 to strategically plan new infrastructure and protect existing infrastructure from in-fill developments on the expanding urban fringe.

The WaCIP also notes that by 2026, DPHI and EPA will develop and publish Waste and Resource Recovery Infrastructure Planning Assessment Guidelines, to better articulate the assessment requirements for large scale waste infrastructure proposals, and DPHI will review the *State Environmental Planning Policy(Planning Systems) 2021* to consider providing large non-putrescible landfills with a State Significant Development (SSD) assessment pathway. WMRR notes that the DCA will provide advisory input on SEARs for SSD and SSI, which should result in greater consistency in mitigation conditions and earlier environmental issue identification, however, again this reverts back to the risk-level adopted within the State Referral Provisions.

As well as the obvious health and amenity issues that WARR infrastructure provides to the state, strategic planning and investment in WARR infrastructure is essential for the critical raw material recovery and scaled



processing and manufacturing capability needed for NSW to transition from a linear to a circular economy and improve outcomes for “housing, infrastructure and jobs”. The proper planning of all necessary WARR infrastructure is vital to all areas of the state, as well as ensuring the maximum support for business and the environment. WMRR trusts that these comments will be considered in shaping the new framework for statutory inputs on DAs and proposed reforms to the EP&A Regulation.

Please contact the undersigned if you wish to further discuss WMRR’s submission.

Yours sincerely

Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia